

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

2007 JUN 27 A 9:57

ROBERT LEE ALLEN,
Plaintiff,

v.

Case NO. 2:07-CV-85-WKW
2:07-CV-90-ID

WILLIE VAUGHNER, ET AL.,
DEFENDANTS,

MOTION FOR AN OBJECTION TO DEFENDANTS MOTION
OF CONFLICT DISCLOSURE STATEMENT

COMES NOW, Robert LEE ALLEN, the Plaintiff,
PRO SE, AND would object to Defendants Conflict
Disclosure Statement And shows As follows:

- 1.) The Plaintiff in this cause, filed a Motion for
Appointment of Counsel, which was promptly Denied
by the Trial Court.
- 2.) The Plaintiff has had to Rely upon other
prisoners who have a better understanding of the
Law,

3.) The PLAINTIFF, And the (prisoners) INMates who is assisting the PLAINTIFF IN NO way can Match wits Against Counsel for the Defendants, nor does the PLAINTIFF nor the Prisoner who is assisting OR Attempting to assist the PLAINTIFF have Access to All the necessary law books and CROSS Referenced Books that would be needed by said PLAINTIFF IN this cause

4.) The PLAINTIFF can not MATCH wits OR skills against the Counsel for the Defendants with their knowledge of the Laws and the Judicial System so to speak, thus, for the Trial Court to Deny the plaintiff's Motion for Appointment of Counsel, is thus Denying the PLAINTIFF A fair Chance and OR opportunity to be heard before the Judicial System, and thus further denies the PLAINTIFF the opportunity to understand and OR Comprehend exactly what is occurring and OR being said by either the Courts OR the Counsel For the PLAINTIFF'S, thus, this is denying the PLAINTIFF Access to the Courts

5.) The Defendants is trying to use the Defense of Sovereign Immunity, in Response to this claim, the Plaintiff states that he has not sued the Government or a State Agency, he has thus sued a Individuals acting under the Color of State Law And in his Individual Capacity, and thus he should not be Allowed to plead this Immunity.

6.) The Plaintiff would state to this Honorable Court, that in ORDER to overcome A Defendants Assertion of Qualified Immunity, that the Plaintiff must Demonstrate that At the time of the Alleged violation, the Contours of the Allegedly Violated Rights were:

" Sufficiently Clear that A Reasonable Official would understand that what he/she was doing violated the Laws and that particular Right." Anderson vs. Creighton 483 U.S. 635, 97 L. ED. 2d. 523, 107 S.Ct., 3034 (1987)

The Plaintiff would state that by the time that he is done pleading this case, that he feels that he will have done just that, that he will have demonstrated that the Defendants should have Reasonably Known what

the Laws were and what Rights he/she was Violating.

IN the Case of ANDISON (?) VS. Allstate INSURANCE Company, 58 F. Supp. 2d, 734 [10] (S.D. Miss. 1999), that Court held that IN ORDER to AVOID DISMISSAL for failure to state A claim, PLAINTIFF "MUST PLEAD SPECIFIC FACTS, NOT MERE CONCLUSORY ALLEGATION."

IN the INSTANT case at bar, the plaintiff AVERS to this HONORABLE Court that he has plead specific Facts and that he has not Alleged mere Allegations as the Defendants suggests.

The PLAINTIFF has shown this HONORABLE Court much As he Could being that he is constrained At the Moment beyond his Control that something happen And IN the Defendants special Report And Answers that they are trying to cover up this Instant Complaint

The PLAINTIFF States that he has to take MetMucel every day to improve his Chances of passing a Bowel Movement And Also has to take the DRUG call Doxepin 100 ml everyday

The PLAINTIFF STATES that he was held in A lock down cell of BK-3 And BK-2 for over a week Not less than 2 days as stated in Defendant's special Report.

IF Allow to do interogatories he will show this Honorable Court that AN More

The Defendants, further goes on to plead And state that they did not violate Any of the plaintiff's Constitutional Rights, to which the plaintiff still asserts that they did, and shows such by the Evidence he Introduce to the Honorable Court in his "Plaintiff's Response And Answer To the Defendant's Report"

The Defendant asserts that All the Actions that he undertook were Reasonable, legitimate, justified And legal under the Circumstances, yet, the PLAINTIFF asserts that this is not true at All There is Nothing legal About what happen to the plaintiff on 1-22-2007 And these other dates 8-10-06, 8-18-06, 9-6-06, Requests Grievance's 9-7-06, 9-8-06, 9-12-06, 9-14-06, 9-19-06, ect ect. The Defendants further pleads that there is a lack of Causation between the plaintiff's Allegations and the

Defendants Actions, Yet, the Defendant has Not proven this issue. The PLAINTIFF would state that there is a causation between the PLAINTIFF's Allegations and the Defendants Actions, something happen. The PLAINTIFF has shown this HONORABLE COURT where INV. Lenny Lee Affidavits Are different, From the one that he did on 2-9-2007 And had Notarized with a Notary Stamp, but he changed his story IN Another sworn Affidavit done on the 4th day of MAY 2007.

ON the Affidavit he did on 2-9-2007 he Stated under oath that it was SGT. L TAYLOR And officer J, Cottrell And Himself that escorted Robert Lee Allen, the PLAINTIFF to lockdown cell BK-3, But ON MAY the 4th 2007, He Stated that it was SGT. Bolling And Lieutenant Jeanetta Cottrell And I Escorted Robert Lee Allen, the plaintiff to the lockdown cell BK-3,

The PLAINTIFF has shown this HONORABLE COURT several Several Facts And Reasonable Doubts to have A trial by A Jury IN both of these civil case's, Case No. 2:07-cv-85-WKW And 2:07-cv-90-ID

The Defendants haven't shown the Honorable Court that they don't use A Baking cart to Serve INMates their meals out of, As the PLAINTIFF has Asserted.

The Defendants haven't proven that they have Was And Clean the INMates' eating utensils After each meal the plaintiff has Stated that he has not had his spoon or glass wash Since he has been at Lowndes County Jail The plaintiff state that A RAT Live in the cell with him And the other cell mates, Robert Allen was incarcerated From 8-8-2007 thru 2-7-2007 in Lowndes County Jail.

WHEREFORE, the PLAINTIFF, Robert Lee Allen, PRO se, Reports this to the Court And Requests the Honorable Court to GRANT AN ORDER IN the PLAINTIFFS FAVOR ON these Grounds And dismiss the Defendants Motion of CONFLICT DISCLOSURE STATEMENT. The PLAINTIFF Respectfully Ask this Honorable Court to take Jurisdiction in this Motion And Review PLAINTIFFS Response And Answer to the Defendants Report to be use as Evidence in this matter

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the Defendants Attorney, Daryl L Masters by placing same in the U.S. MAIL, postage paid, on this the 22nd day of June 2007.

6-22-2007

Robert Lee Allen
Autauga County Jail
136 N COURT STREET
PRATTVILLE, AL 36067-3002

PRO SE Robert Allen
Robert Allen

Robert Allen
Jefferson Jail
Jefferson Court, St
36067-3002
Knoxville, TN 36067-3002

Jefferson Jail

36067-3002

OFFICE OF the Clerk
MRS. DEBRA HACKETT
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